



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

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AUG 29 2011

OFFICE OF
COMPLIANCE AND ENFORCEMENT

Reply to: OCE-127

Certified Mail Number 7011 0470 0002 9128 5452
Return Receipt Requested

James Cagle, Risk Manager - EHS
Nu-West Industries, Inc.
Agrium Conda Phosphate Operations
3010 Conda Road
Soda Springs, Idaho 83276

Re: ERI and TDIP Data Summary and Proposed Boring Locations; Work Plan for Additional Requirements; Administrative Order on Consent for Nu-West CPO Facility;
Docket No. RCRA-10-2009-0186

Dear Mr. Cagle:

The purpose of this letter is to provide EPA approval for the advancement of five boreholes along the Electrical Resistivity Imaging (ERI) and Time Domain Induced Polarization (TDIP) Transect 3, subject to the location modifications described below, and to disapprove of the total number of boreholes proposed to be advanced as being inadequate.

EPA has reviewed the ERI and TDIP Data Summary dated August 19, 2011, which was provided by WSP Environment and Energy to EPA, and discussed the technical data with your staff during the EPA inspection on August 23 - 24, 2011.

The EPA required Additional Work under the Administrative Order on Consent which was identified in the letter to Agrium Nu-West Industries, Inc. ("Nu-West") dated May 11, 2011. That letter directed Nu-West to, among other things, carry out ERI and TDIP surveys along Transect 3 and upon completion of those surveys, to submit a written proposal to EPA for approval that identifies locations for the advancement of seven (7) to ten (10) boreholes. The total number of boreholes proposed by Nu-West (5) does not meet the requirements of the Additional Work under the Administrative Order on Consent. As the total number of boreholes proposed by Nu-West is insufficient, additional boreholes need to be advanced and down-hole surveys conducted in accordance with the procedures and requirements in the Work Plan for Additional Requirements ("Work Plan"), dated July 11, 2011. However, in the interest of not delaying important work this field season, Nu-West may proceed immediately with the advancement of boreholes at five locations.

The five approved locations are identified below using the notation proposed by Nu-West (i.e.: A-18, A-19, etc.). As the ERI and TDIP survey results reported to EPA were presented in a unit spacing of meters, EPA's approved locations are specified in meters as well, consistent with a reference point of 0 at the south end of the ERI and TDIP survey line and increasing to the north.

For the 5 proposed borehole locations:

A-18 140 meters
A-19 310 meters
A-20 800 meters

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A-21 1,300 meters

A-22 1,720 meters

In addition, consistent with the Additional Work requirements, EPA requires that four (4) additional boreholes be advanced. These additional boreholes and subsequent surveys are necessary to better understand and interpret the ERI and TDIP survey results across large areas left without assessment in the proposal by Nu-West. The four additional borehole locations are described below.

Additional boring at 490 meters

This location indicates variable apparent resistivity, low modeled resistivity, and low chargeability.

Additional boring at 720 meters

This location indicates low apparent resistivity, low modeled resistivity, and low chargeability.

Additional boring at 1,020 meters

This location indicates a zone of low modeled resistivity and a very low chargeability contour at depth.

Additional boring at 1,620 meters

The TDIP survey results at this location indicate a zone of high chargeability that extends to a depth of at least 70 meters. In order to determine whether the survey results are indicative of a geologic feature, a hydraulically low transmissive zone, or some other phenomenon, EPA is directing that a borehole be advanced at this location to a depth of 40 meters. Provided that the geology at this location will support an open borehole, the downhole geophysical surveys described in section 4 of the Work Plan are to be employed. If the results of this borehole should reveal consistent silt and clays to depth, then it is not necessary to convert this borehole into a monitoring well as per the requirements of section 7 of the Work Plan. Similar high chargeability zones were detected elsewhere, and this boring should provide ground truth to correlate with such zones.

In accordance with paragraph 69 of the above referenced Order, Nu West shall submit a revised proposal which responds to EPA comments above and/or provides for the four additional boreholes. The revised proposal must be submitted as soon as possible, but no later than 30 days of your receipt of this letter. However, as indicated above, Nu-West may proceed immediately with the advancement of boreholes at the five locations identified above. The boreholes must be completed, surveyed and finished as described in Sections 4 and 7 of the Work Plan

If you have any questions, feel free to call me at (206) 553-2964. Alternatively, you may reach me via email at: Magolske.Peter@epamail.epa.gov. Thank you for your attention to this important matter.

Sincerely,



Peter Magolske
Air / RCRA Compliance Unit

cc: Brian Monson
Idaho Department of Environmental Quality

P. Scott Burton
Esq. Hunton and Williams LLP